

MAR 11 2005 T-168 P.003/007 F-745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: § Customer No.: 27,405  
Derek J. DAW, et al. § Group Art Unit: 2856  
Serial No.: 10/750,428 § Confirmation No.: 1761  
Filed: December 31, 2003 § Examiner: Robert R. Raevis  
For: SYSTEM AND METHOD OF § Arry. Docket: PA094-US  
EVALUATING OR CALIBRATING A §  
BUBBLE DETECTOR §

Commissioner for Patent  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF FACSIMILE**  
**37 C.F.R. 1.8**

Sir:

TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with 37 C.F.R. §§ 1.56 and 1.97, enclosed please find a copy of Form PTO-1449 listing references which might be deemed material to the examination of the above-identified application.

In accordance with 37 C.F.R. §1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. §1.56(b), exists.

1.  The information disclosure statement submitted herewith is being filed:

- (1) within three months of the filing date of a national application or
- (2) within three months of the date of entry of the national stage in an international application or
- (3) before the mailing date of a first Office Action on the merits or
- (4) before the mailing date of a first Office Action after the filing of a

request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).

2.  The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of a national application or date of entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office Action on the merits or after the mailing date of the first Office Action after the filing of a request for continued examination under §1.114, whichever event occurred last but *before* the mailing date of either:

- (1) a final action under §1.113 or
- (2) a notice of allowance under §1.311, whichever occurs first.

37 C.F.R. §1.97(c).

#### **CERTIFICATION OR FEE**

A. Included with this transmittal is

- i.  a certification (set forth below) in accordance with 37 C.F.R. §1.97(e). (If for any reason the certification set forth below should be unsatisfactory, the Commissioner is provisionally authorized to charge the \$180 fee (37 C.F.R. §1.17(p)) to Deposit Account No. 501769. A duplicate copy of this sheet is enclosed.)

**OR**
- ii.  the attached fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).

3.  The information disclosure statement transmitted herewith is being filed *after* a final action under §1.113 or a notice of allowance under §1.311, whichever occurs first, but *before*, or simultaneously with the payment of the issue fee. 37 C.F.R. §1.97(d).

#### **CERTIFICATION, PETITION AND FEE**

A. In accordance with the requirements of 37 C.F.R. §1.97(d):

- i. Set forth below is a certification as specified in 37 C.F.R. §1.97(c).
- ii. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 C.F.R. §1.97(d)(2).
- iii. Applicant submits the petition fee set forth in §1.17(i). (\$130.00).

### CERTIFICATION

(Required if 2Ai or 3 above is marked)

4. I, the person signing below, certify

that each item of information contained in the information disclosure statement was cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

5.  A copy of any patent, publication or other information listed in the attached PTO-1449 is not being provided if it was previously cited by or submitted to the Office in a prior application, upon which this application relies for an earlier filing date under 35 U.S.C. 120.  
37 C.F.R. §1.98(d).

Prior application serial no. 10/610,084

Filing date June 30, 2003

6.  If a fee is due, a fee transmittal is provided herewith. Further, if it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 501769.

Respectfully submitted,

Date: 3/11/05

Margaret A. Kivinski  
Margaret A. Kivinski, Esq.  
Reg. No. 38,517  
THEROX, INC.  
2400 Michelson Drive  
Irvine, California 92612-1310  
(949) 757-1999

Form PTO-1449 (modified)		ATTY. DOCKET NO. PA094-US		SERIAL NO. 10/750,428			
List of Patents and Publications For Applicant's Information Disclosure Statement (Use several sheets if necessary)		APPLICANT Daw et al.					
		FILING DATE December 31, 2003		GROUP 2856			
<b>U.S. PATENT DOCUMENTS</b>							
EXAM. INIT.	REF. DES.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
		4,486,189	12-1984	Troutner et al.	604	6.05	
		6,390,999	05-2002	Zscheile et al.	604	4.01	
		5,055,198	10-1991	Shettigar, U. Ramakrishna	210	650	
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAM. INIT.	REF. DES.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION
<b>OTHER ART</b>							
EXAM. INIT.	REF. DES.	AUTHOR, TITLE, JOURNAL, VOLUME, PERTINENT PAGES, DATE					
EXAMINER		DATE CONSIDERED					
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							